

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-20170-CIV-LENARD
MAGISTRATE JUDGE P.A. WHITE

EDUARDO SANCHEZ,	:	
	:	
Petitioner,	:	
	:	
v.	:	<u>REPORT RE TRANSFER</u>
	:	<u>TO CORRECT VENUE</u>
UNITED STATES,	:	
	:	
Defendant(s).	:	

The petitioner, Eduardo Sanchez filed a pro se petition for writ of mandamus pursuant to 28 U.S.C. §1361, 1391(e)(4). The petitioner seeks to mandamus prison officials to provide him with a kosher diet. The petitioner claims he has converted from the Catholic religion and is now an Orthodox Jew.

The petitioner is located in Big Springs Correction Center, a federal prison in Big Spring, Texas, and the claims arise out of conditions in Texas.

The appropriate venue provision in this case is 28 U.S.C. §1391(b). Clark v. Harp, 737 F.Supp. 676 (D. D.C. 1990); Harley v. Oliver, 400 F.Supp. 105 (W.D. Ark. 1975). That section provides in relevant part that a case not based on diversity of citizenship should be brought in the judicial district where any defendant resides or where a substantial part of the events or omissions

giving rise to the claim occurred or a substantial part of property that is the subject of the action is situated. Transfer under 28 U.S.C. §1404 includes the convenience of the parties and witnesses, relative ease of access to sources of proof, the cost of obtaining the attendance of witnesses and other practical factors that would make the trial of the case easy, expeditious and inexpensive. See: Stateline Power Corp. V Kremer, 404 F. Supp 2nd 1373 (US Dist. Fla. 2005).

In the interests of justice and convenience of the parties and witnesses, it is recommended this case be transferred to the United States District Court for Big Springs, Texas, pursuant to 28 U.S.C. §1406(a).

Dated this 3rd day of March, 2010.



UNITED STATES MAGISTRATE JUDGE

cc: Eduardo Sanchez, Pro Se
Reg# 38796-004
Big Spring Correction Center
Big Spring, Texas
Address of record